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U.S.D.C.-Atlanta

APR - 1 2005

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

LUTHER D. THOMAS, Clerk  
By: *[Signature]*  
Deputy Clerk

TONY L. WARE, CEO and )  
T. L. WARE BOTTLING )  
COMPANY, INC. )  
Plaintiffs, )  
v. ) Civil Action File No.  
FLEETBOSTON FINANCIAL ) File No. 1:05-CV-0426MHS  
CORP., )  
f/k/a BANKBOSTON CORP., )  
Defendant. )  
\_\_\_\_\_  
)

**NOTICE OF FILING ORIGINAL**  
**AFFIDAVIT OF LADISA ROBINSON**

Defendant FleetBoston Financial Corporation hereby gives notice of filing the original of the March 25, 2005 affidavit of Ladisa Robinson. FleetBoston Financial Corporation files this notice by special appearance while preserving all defenses and objections, including but not limited to, lack of personal jurisdiction and insufficient service of process.

Respectfully submitted,

**PARKER, HUDSON, RAINER & DOBBS LLP**

By: 

William J. Holley, II  
Georgia Bar No. 362310  
Nancy H. Baughan  
Georgia Bar No. 042575  
Michael D. Grider  
Georgia Bar No. 310473

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Attorneys for FleetBoston Financial Corporation

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FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

TONY L. WARE, CEO and )  
T. L. WARE BOTTLING COMPANY, )  
INC. )  
Plaintiffs, )  
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FLEETBOSTON FINANCIAL CORP., ) File No. 1:05-CV-0426MHS  
f/k/a BANKBOSTON CORP., )  
Defendant. )

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AFFIDAVIT OF LADISA ROBINSON

Ladisa Robinson, after being duly sworn, states and deposes:

1.

I am over 18 years of age and am otherwise competent to give this affidavit which I make on personal knowledge.

2.

I am employed in the Office of the Clerk of Court for the Fulton County Superior Court, Appeals Division. I have reviewed the records of the Clerk of Court for the Fulton County Superior Court, in particular the records relating to Fulton County Superior Court Civil Action Number 2004-CV-94553, Tony L. Ware,

CEO, and T.L. Ware Bottling Co., Inc. v. FleetBoston Financial Corp. f/k/a/ BankBoston Corp.

3.

The records show that on February 9, 2005, the Clerk's Office of the Superior Court transmitted the Bill of Costs to Plaintiff via Certified Mail, Return Receipt Requested. The Certified Mail receipt was signed on February 17, 2005. The Bill of Costs required Plaintiffs to pay the costs within twenty (20) days of receipt of the Bill of Costs. Plaintiffs have not paid the costs.

4.

Although Plaintiffs filed an "Affidavit of Indigence" on February 14, 2005, the Court record does not contain any Order waiving the payment of costs.

5.

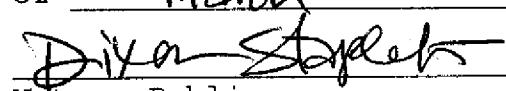
Because Plaintiffs have not paid the costs and because no Order has been filed waiving the payment of costs, the Office of the Clerk of Court has not transmitted this civil action to the Georgia Court of Appeals or the Supreme Court of Georgia.

(signature on next page)

FURTHER AFFIANT SAYETH NOT.

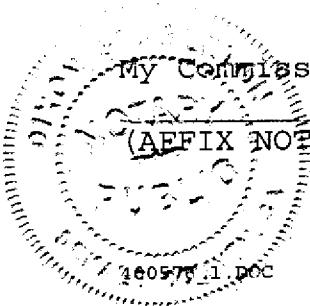
  
\_\_\_\_\_  
Ladisa Robinson

Sworn to and subscribed  
before me this 25th day  
of March, 2005.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
(AFFIX NOTARIAL SEAL)

  
Notary Public, Dekalb County, Georgia  
My Commission Expires March 12, 2007

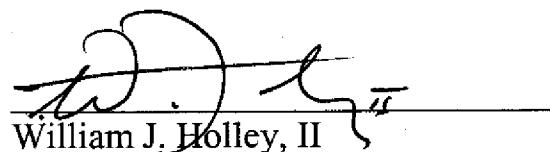
**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the within and foregoing **NOTICE OF FILING ORIGINAL AFFIDAVIT OF LADISA ROBINSON** upon all parties to this matter by causing to be deposited in the U.S. Mail, proper postage prepaid, a true copy of same addressed as follows:

Michael R. Johnson, Sr. (also served via courier)  
Johnson & Associates, P.C.  
340 West Peachtree Street, N.E.  
Suite 200  
Atlanta, Georgia 30308

Dr. Tony L. Ware, PhD, JD  
Post Office Box 150524 - Dept. 0227  
Atlanta, Georgia 30315

This 1<sup>st</sup> day of April, 2005.



William J. Holley, II